

C O N F I D E N T I A L MANAMA 000368

SIPDIS

E.O. 12958: DECL: 03/16/2014

TAGS: PREL KTIA BA JUSLBA KICC

SUBJECT: BAHRAIN AND ARTICLE 98: SLOW MOTION

REF: A. MANAMA 322

1B. MANAMA 336

1C. MANAMA 283

Classified By: CDA Robert S. Ford, reason 1.5 (d)

11. (C) The Bahraini Government is still pondering what to do about bringing our signed Article 98 agreement into effect. Charge on March 16 again asked the MFA Minister of State whether the Government would agree to a confidential exchange of notes. The Minister, clearly annoyed that Charge was again raising the subject, said some legal experts inside the Government believe the Article 98 agreement must go to the Parliament to be ratified. Others in Government disagree, and the argument is ongoing. Charge pointed out that the American law originally envisioned that the U.S. Government would suspend some kinds of military assistance to those countries which failed to finalize Article 98 agreements; we could not exclude that this might happen to Bahrain as time goes by. We had warned the GoB about this when we began the process two years ago, Charge recalled. He urged the GoB to decide upon a course of action and move ahead.

12. (C) The Minister said he had received a report from the meeting in Washington between NEA PDAS Larocco and the Bahraini Ambassador. The GoB has the message, he stated flatly. He then asked Washington to understand the GoB's situation. Anti-American sentiment in the Parliament now is very strong and the elected lower house will not approve the Article 98. At the same time, the MFA does not want to go around the Parliament if the law requires that the agreement go to the deputies for ratification; the experience from the parliamentary investigations of financial sector misdeeds shows the harm which can come to a Ministry responsible for legally dubious policies. The Government is trying to find a middle ground solution that enables it to bring the agreement into force and yet scrupulously follows the law and parliamentary prerogatives. In the meantime, the Minister stressed, the GoB will not turn over a U.S. servicemember to the ICC.

13. (C) Separately, POL/ECON chief learned on March 16 from the deputy director of the legal advisor's office at the Ministry of Cabinet Affairs (attached to the Prime Minister's Office) that Cabinet Affairs had decided the Article 98 would have to go to the Parliament because it relates to the rights of individuals. It has told the MFA the only way to move forward is through the Parliament.

14. (C) Comment: The Minister is not exaggerating about Parliament. As we have reported in recent months (see refs b and c for example), the Parliament is more assertive and it has caused powerful ministries such as Finance major headaches when it disagreed with Ministry policies (refs b and c). Our read of the ascendent Islamist bloc in the Parliament is that they would never agree to the Article 98, perceiving it as a special favor to the American military for which they have no affection.

15. (C) Comment Continued: The MFA is searching anxiously for a way out of sending the Article 98 to Parliament. We are doubtful that the MFA will find it quickly if at all. In the meantime, they are holding the signed agreement. We are confident that the GoB would not turn over a servicemember to the ICC. The bilateral military relationship, centered around the longstanding, and basically trouble-free, presence of NAVCENT's headquarters, is the cornerstone of our bilateral relationship. The GoB went out of its way to provide access to facilities for OEF and OIF; it deployed air and naval forces in support of U.S. forces in those operations. IMET and FMF assistance are key to boosting Bahraini forces' interoperability with our own in such operations. Cancelling that assistance because the Government is reluctant to face a losing confrontation with its democratically elected parliament over an issue which has never before been a problem in our bilateral relationship would send a message to the Bahraini leadership that we neither value their contributions nor trust their word. Ford FORD